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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,630	01/07/2006	Koji Hirose	P28569	5469
52123 7590 03/19/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER LEWIS, JONATHAN V				
ART UNIT		PAPER NUMBER		
2425				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/550,630

**Applicant(s)**

HIROSE ET AL.

**Examiner**

JONATHAN LEWIS

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to applicant's amendment filed November 16, 2009. Claims 1-12 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 5-8, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis (US Pat. No.6,766,526).**

**Regarding claim 1** (Currently Amended), Ellis teaches a controlled device which is controlled on the basis of control information generated by a remote server according to a user operation on a remote user terminal at a remote place and transmitted through a network (Fig. 1 shows the remote server 16 and the remote user terminal 22; col. 4, lines 3-13 discloses that the user television equipment 22 shown in Fig. 1 is a client,

and the television distribution facility 16 is the server in the client-server architecture), the controlled device comprising: a storage section that stores a channel table which associates broadcast station numbers with channel numbers (Figs. 1 & 12, 35 show the storage section in the controlled device; col. 11, line 45 - col. 12, line 2 discloses the use of channel table to store/list the channel numbers; Fig. 14 shows the graphic 71 of a channel table that associates station numbers with channel numbers), the broadcast station numbers being allocated to associated broadcast stations and used by the remote server to specify the associated broadcast stations (Fig. 12, 12 shows the main facility receiving programming from several sources; col. 3, lines 10-34 disclose the use of the data source for program listings; col. 10, line 63 – col. 11, line 21 discloses the use of the server, 16 to specify associated broadcast stations), the channel numbers being allocated to the associated broadcast stations and used by the controlled device to specify the associated broadcast stations (Figs. 13 and 14 shows the channel number allocation based on source identifiers; Fig. 14 specifically shows 46C, 46S, and 46B); and a receiver that receives control information including the broadcast station numbers from the remote server through the network, wherein the control information received by the receiver also includes the channel table, which is automatically received from the remote server through the network in response to a user operation on the remote user terminal (Fig. 12 shows the system 300, where the receiver 22 receives control information from the main facility 12 regarding listings information; Figs. 13 and 14 show the allocation system described in col. 10, line 63 – col. 11, line 45), and wherein the controlled device specifies a channel number on the basis of a received

broadcast station number with reference to the channel table, and performs an operation based on the control information with the specified channel number (Fig. 14 shows the user specifying channel 46 when he/she presses "4" then "6", and performing the display operations 71/85 as shown in the same figure based on the control information shown in Fig. 13).

**Regarding claim 6** (Currently Amended), Ellis teaches the remote control system according to claim 5, wherein the remote server includes a section that reads a channel table from the controlled device to acquire a relationship between broadcast station numbers and channel numbers when a user operation on the remote user terminal relates to a change in the channel table, and that changes the relationship on the basis of the user operation on the remote user terminal by transmitting the changed relationship to the controlled device, and the controlled device updates the channel table on the basis of the changed relationship between the broadcasting station numbers and the channel numbers transmitted from the remote server (Figs. 12-15; col. 10, line 13—col. 12, line 2 discloses the users ability to change the channel numbering after the server 16 reads and sends the channel table, where the user can select the changed relationship as shown in Fig. 13).

**Regarding claim 7** (Currently Amended), Ellis teaches the remote control system according to claim 6, wherein the remote server sets an initial relationship between the broadcast station numbers and the channel numbers on the basis of area information which represents an installation area of the controlled device and is designated by a user on the remote user terminal, and, thereafter, the relationship can

be changed according to a user operation on the remote user terminal (col. 10, line 63 – col. 11, line 21 discloses the initial relationship as the number given by the provider, where the remote terminal can change that number to also reflect the source of the number).

System, method and apparatus **claims 5, 8, 12** are rejected for the same reasons as stated above in the corresponding apparatus claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US Pat. No.6,766,526) in view of Kim et al. (US PG Pub. No. 2009/0178077).**

**Regarding claim 2**, Ellis teaches all the claim limitations as stated above, except the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station, by associating them with each other.

However, Kim et al. teaches the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station, by associating them with each other (Fig. 3; claims 31 and 32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Ellis to include the frequency of the broadcast station, in order to allow uninterrupted, efficient recording and playback of the

broadcast channels, making it able to easily differentiate and discriminate inactive channels.

Method **claims 9** is rejected for the same reasons as stated above in the corresponding method claim.

**Claims 3-4, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US Pat. No.6,766,526) in view of Yuen et al. (US Pat. No. 6,430,358).**

**Regarding claim 3**, Ellis teaches all the claim limitations as stated above, except the controlled device is a video recording apparatus capable of recording a received broadcast program.

However, Yuen et al. teaches the controlled device is a video recording apparatus capable of recording a received broadcast program (Abstract discloses the VCR; Figs. 3 & 14).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Ellis to provide a video recorder with the controlled device, in order to provide users with a simpler, faster and less error-prone way to enter timed recordings.

**Regarding claim 4**, Ellis teaches all the claim limitations as stated above, except the controlled device wherein the control information is information necessary to perform timer recording of a broadcast program.

However, Yuen et al. teaches the controlled device wherein the control information is information necessary to perform timer recording of a broadcast program (Abstract; col. 2, lines 24-31).

Method and apparatus **claims 10-11** are rejected for the same reasons as stated above in the corresponding method claim.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Morales US Pat. No. 5,663,757
- b. Kato US PG Pub. No. 2002/0041756
- c. Hendricks et al. US Pat. No. 5,734,853
- d. Kunii et al. US Pat. No. 7,095,402
- e. LaJoie et al. US Pat. No. 5,850,218
- f. Darbee et al. US Pat. No. 6,130,726
- g. Terasawa et al. US Pat. No. 6,147,714
- h. Ellis et al. US Pat. No. 6,774,926
- i. Mankovitz US Pat. No. 5,552,837
- j. Broberg US Pat. No. 6,529,680

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/550,630

Page 9

Art Unit: 2425

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425